

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on  
revers.)

For use by Secretary of State only

STD. 400 (REV. 4-99)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2008-0617-06</b>	REGULATORY ACTION NUMBER <b>2008-1103-01S</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Consumer Affairs, Bureau of Automotive Repair			AGENCY FILE NUMBER (if any) 2007_100

## A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER ( )	FAX NUMBER (Optional) ( )
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <b>08, #262</b>	PUBLICATION DATE <b>6-27-2008</b>

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Licensing of Smog Check Technicians		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)			
ACTION(S) AFFECTED (List all section number(s) individually)		ADOPT	
		AMEND Title 16, Sections 3340.28 and 3340.29	
TITLE(S) 16		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b)) <input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) <input type="checkbox"/> Other (specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)			
5. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code, §§ 11343.4, 11346.1(d))			
<input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <b>smg 12/18/08</b>			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Virginia Vu		TELEPHONE NUMBER (916) 255-2135	FAX NUMBER (Optional) (916) 255-1390
		E-MAIL ADDRESS (Optional)	

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Carrie Lopez, Director Department of Consumer Affairs

DATE

10-30-08

## BUREAU OF AUTOMOTIVE REPAIR

### ORDER OF ADOPTION

The Bureau of Automotive Repair hereby adopts the following regulation in Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations:

- (1) Amend Section 3340.28 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

#### **§ 3340.28. Licenses and Qualifications for Technicians.**

- (a) There are the following technician licenses in the Smog Check Program:

- (1) ~~Intern Technician.~~ The Intern Technician license which allows an individual, under the direction of a supervising licensed Smog Check technician, to perform repairs or adjustments to the emissions control systems on failed vehicles subject to the ~~s~~Smog ~~e~~Check ~~p~~Program at smog check stations in all areas of the state. The Intern Technician license expires in two years, ~~and~~ is nonrenewable and shall be issued to an individual only once.

- (2) ~~Basic Area Technician.~~ The Basic Area Technician license which allows an individual to inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the ~~s~~Smog ~~e~~Check ~~p~~Program at smog check stations in areas of the state designated as basic vehicle inspection and maintenance program areas. The Basic Area Technician license expires pursuant to the requirements in subsection (e) of section 3340.29 of this Article.

- (3) ~~Advanced Emission Specialist Technician.~~ The Advanced Emission Specialist Technician license which allows an individual to inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the smog check program at smog check stations in all areas of the state. The Advanced Emission Specialist Technician license expires pursuant to the requirements in subsection (e) of section 3340.29 of this Article.

- (b) ~~Qualifications.~~ The qualifications to take an examination for technician licenses are as follows:

- (1) ~~Intern Technician License.~~ The Intern Technician license does not require an examination. To qualify for the Intern Technician license, the applicant must provide satisfactory evidence of successful completion within the last ~~twelve months~~ two years of the bureau's ~~Basic~~ Clean Air Car Course. The qualification to take the ~~Basic~~ Clean Air Car



Course is one year of automotive experience or equivalent automotive training courses in the engine performance area as determined by the bureau certified course instructor.

(2) ~~Basic Area Technician License.~~—The Basic Area Technician license requires an examination. The qualifications to take the examination for the Basic Area Technician license are:

(A) ~~Education or Experience.~~—The applicant must provide satisfactory evidence of:

1. ~~p~~Possession of a valid and unexpired Intern Technician License and one year of experience as a licensed Intern Technician; or

2. ~~p~~Possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school, and the successful completion within the last ~~twelve months~~ two years of the bureau's ~~Basic~~-Clean Air Car Course; or

3. ~~p~~Possession of a certificate in automotive technology from a ~~a~~ state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area, and the successful completion within the last ~~twelve months~~ two years of the bureau's ~~Basic~~-Clean Air Car Course; or

4. ~~p~~Possession of a valid and unexpired Basic Area or Advanced Emission Specialist smog check technician's license; or

5. ~~s~~Successful completion within the last ~~twelve months~~ two years of the bureau's ~~Basic~~ Clean Air Car Course. The qualifications to take the ~~Basic~~-Clean Air Car Course (for those not possessing a degree or certificate as provided in ~~subsection (b)~~ paragraphs (2)(A)2. and (b)(2)(A)3. of this subsection) are one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by the bureau certified course instructor.

(B) ~~Certification.~~

1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1). ~~The Advanced Engine Performance Specialist (L1) certification requirement shall become effective on January 1, 2002. Certification may be from the National Institute for Automotive Service Excellence, or~~

2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.

(C) ~~Update Training.~~—An applicant for an initial license or renewal of a license must provide satisfactory evidence of successful completion of bureau certified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians may take a challenge test in lieu of taking the course, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.

(3) ~~Advanced Emission Specialist Technician License.~~—The Advanced Emission Specialist Technician license requires an examination. The qualifications to take the examination for the Advanced Emission Specialist Technician license are:

(A) ~~Education or Experience.~~—The applicant must provide satisfactory evidence of:

1. ~~s~~Successful completion within the last ~~twelve months~~ two years of the bureau's Advanced Clean Air Car Course, possession of a valid and unexpired Intern Technician license, and one year of experience as a licensed Intern Technician; or

2. ~~s~~Successful completion within the last ~~twelve months~~ two years of the bureau's ~~Basic Clean Air Car Course~~ and Advanced Clean Air Car Course and possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school; or

3. ~~s~~Successful completion within the last ~~twelve months~~ two years of the bureau's ~~Basic Clean Air Car Course~~ and Advanced Clean Air Car Course and possession of a certificate in automotive technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area; or

4. ~~p~~Possession of a valid and unexpired Basic Area Technician License, and successful completion of the Advanced Clean Air Car Course within the last ~~twelve months~~ two years; or



5. ~~p~~Possession of a valid and unexpired Advanced Emission Specialist Technician License; or

6. Successful completion within the last ~~twelve months~~ two years of the bureau's ~~Basic~~ Clean Air Car Course and Advanced Clean Air Car Courses. An applicant not possessing a degree or certificate as provided in ~~subsection (b) paragraphs (3)(A)2. and (b)(3)(A)3. of this subsection~~ may qualify to take the ~~Basic~~ Clean Air Car Course by demonstrating one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by a bureau certified instructor. The applicant may qualify to take the Advanced Clean Air Car Course by successful completion of the ~~Basic~~ Clean Air Car Course within the last ~~twelve months~~ two years.

(B) ~~Certification.~~

1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8) and Advanced Engine Performance Specialist (L1). ~~Certification may be from the National Institute for Automotive Service Excellence, or~~

2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.

(C) ~~Update Training.~~ An applicant for an initial license or renewal of a license must provide satisfactory evidence of successful completion of bureau certified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians may take a challenge test in lieu of taking the course, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.

(4) ~~Optional Endorsement for Gaseous Fuels.~~ An optional endorsement to test and repair vehicles powered by gaseous fuel, either solely or in combination with gasoline, is available for the Basic Area Technician and Advanced Emission Specialist Technician licenses.

(A) An individual wishing to have his/her license endorsed to test and repair vehicles powered by gaseous fuels, either solely or in combination with gasoline, must submit satisfactory evidence of certification in the certification category of Light Vehicle Compressed Natural Gas (F1). Certification may be from the National Institute for Automotive Service Excellence or from completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code.

(B) The endorsement for gaseous fuels shall be accomplished pursuant to the requirements of subsection (d) of section 3340.29 of this Article.

Note: Authority cited: Sections 44002, ~~and 44014~~ and 44045.5, Health and Safety Code; ~~and Section 9882, Business and Professions Code~~. Reference: Section 44014, 44031.5(e) and 44045.5, Health and Safety Code.

- (2) Amend Section 3340.29 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

**§ 3340.29. Licensing of Technicians.**

(a) ~~Application and Fee.~~ An applicant for a license as a technician shall submit an application with appropriate documents to the bureau on form ~~T-6 (10-99)~~ SMOG TECH 1 (11/07), "Application for Initial Smog Check Technician License," which is hereby incorporated by reference, together with an application fee of \$20.00. An application shall be rejected, and the fee shall not be refunded, if the applicant fails to include all required documentation, or complete all questions regarding the applicant's background, or otherwise fails to submit a complete original application. The applicant shall submit a new application with appropriate documents and an application fee of \$20.00 when an application has been rejected for failure to file a complete application.

(b) ~~Examination and Fee.~~ An applicant for a technician license shall be subject to the following requirements:

(1) An applicant for a technician license shall pay ~~a \$65~~ an examination fee of \$45 and successfully complete the appropriate technician examination in order to receive a technician's license.

(2) An applicant that receives a notice of qualification to take an examination, pursuant to section 3303.2 of this Article, shall take the appropriate technician examination within 90 days of receipt of notification of qualification to take the examination, or shall again submit



an application to the bureau, pay an application fee of \$20, pay a ~~\$65~~ the examination fee, and successfully complete the appropriate technician examination.

(3) A qualified applicant who fails an examination may take another examination and shall again submit an application to the bureau, pay an application fee of \$20, pay a ~~\$65~~ the examination fee, and successfully complete the appropriate technician examination.

(c) ~~Initial Application Review.~~ An initial application shall be subject to the review procedures specified in section 3303.2. of Article 1 of this Chapter.

(d) ~~Endorsement of License for Gaseous Fuels.~~ A technician license, except for the Intern Technician license, shall be endorsed for gaseous fuels as follows:

(1) An individual submitting an application for an initial technician license ~~or renewal of a technician license,~~ may have the license endorsed for gaseous fuels by requesting the endorsement on the application and providing proof of qualification pursuant to paragraph (4) of subsection (b)(4) of section 3340.28.

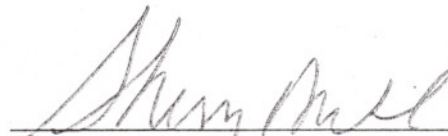
(2) An individual may have an existing license endorsed for gaseous fuels by submitting a letter to the bureau requesting the endorsement be added to his/her existing license, and providing proof of qualification pursuant to paragraph (4) of subsection (b)(4) of section 3340.28.

(e) ~~Expiration of License.~~ A technician's license shall expire on the last day of the month in which the second birthday of the technician occurs after the date of issuance of the license. Initial license expiration dates are calculated from the date the department is notified that an applicant has passed the licensing examination. Once a license has been issued that expires in the birth month, subsequent renewal licenses will expire on the last day of the birth month, two years later. Withholding a license for enforcement purposes, or issuance of a temporary license due to family support obligations, does not change the expiration date as calculated above.

(f) ~~Renewal of Technician License.~~ To renew a license, the technician shall submit a complete application ~~with appropriate documents~~ to the bureau prior to the expiration date ~~on the current license on form T-6 (10-99), "Application for Smog Check Technician License,"~~ pay of the license using form SMOG TECH 2 (11/07), "Technician License Renewal Application," which is hereby incorporated by reference, together with a renewal application

fee of \$20~~7~~, pay a \$65 examination fee, and successfully complete the appropriate technician examination.

Note: Authority cited: Sections 44002, 44013(b), 44016, 44031.5, ~~and 44034, 44034.1 and 44045.5~~, Health and Safety Code; and Sections 163.5 ~~and 9882~~, Business and Professions Code. Reference: Sections 44012, 44014, 44015(a) and (b), 44030(a), 44031.5, 44032, 44034, 44034.1, 44035, 44045.5 and 44045.6, Health and Safety Code; and Section 1798.17, Civil Code.

A handwritten signature in cursive script, appearing to read "Sherry Mehl", is written over a horizontal line.

Sherry Mehl, Chief  
Bureau of Automotive Repair